

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated October 24, 2003. Claims 1-12 are currently pending in the application. As indicated above, Claim 13 has been cancelled without prejudice. It is gratefully acknowledged that the Examiner has allowed Claim 5.

In the present Office Action, the Examiner has rejected Claims 2-4, 6-7, and 13 under 35 U.S.C. § 102(e) as being anticipated by *Rezaiifar et al.* (U.S. Patent 6,408,003 B1), Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over *Rezaiifar*, and Claims 8-12 under 35 U.S.C. § 103(a) as being unpatentable over *Rezaiifar* in view of *Abrol* (U.S. Patent 6,507,582 B1). In addition, the Examiner has also rejected Claim 13 under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1, 2, 4, 6, 8, and 13 are the rejected independent claims of the present application.

As indicated above, the Examiner has rejected Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over *Rezaiifar*. More specifically, the Examiner asserts that *Rezaiifar* teaches all the recitations of Claim 1, except for receiving a next RLP frame and storing the frame sequence number of the failing RLP frame in a sequence field of the next RLP frame, which the Examiner asserts would be obvious because "a frame sequence field is for storing frame sequence numbers." It is respectfully submitted that the Examiner is incorrect.

First, Claim 1 of the present application recites "transmitting a retransmission request frame containing the frame sequence number of said failing RLP frame and an identifier different from said frame sequence number, whereby the retransmitted RLP frame includes said identifier in the frame sequence field." It is respectfully submitted that that *Rezaiifar* does not teach transmitting a retransmission request frame containing the frame sequence number of said failing RLP frame and an identifier different from said frame sequence number. The NAK message in *Rezaiifar*, which is

a retransmission request, includes only a sequence number of the failing RLP frame, i.e., L_SEQ, and does not include an identifier different from said frame sequence number.

Further, it is respectfully submitted that *Rezaiifar* does not teach that the retransmitted RLP frame includes the different identifier in the frame sequence field. *Rezaiifar* clearly states in column 7, lines 44-48:

“Control system 54 receives NAK 83 and retrieves the NAKed frame from transmit buffer 55. The retrieved frames are retransmitted in accordance with the original transmission as described above (including the original sequence number).”

Therefore, not only does *Rezaiifar* not teach that the retransmitted RLP frame includes the different identifier in the frame sequence field, it specifically states that the *original* transmission with the *original sequence number* is retransmitted.

Additionally, as indicated above, the Examiner admits that *Rezaiifar* does not teach receiving a next RLP frame and storing the frame sequence number of the failing RLP frame in a sequence field of the next RLP frame, but the Examiner asserts this would be obvious because “a frame sequence field is for storing frame sequence numbers.” It is respectfully submitted that the Examiner is incorrect with this statement. It may be obvious to store the frame sequence number of the next RLP frame in the frame sequence field of the next RLP frame because “a frame sequence field is for storing frame sequence numbers,” however, it is respectfully submitted that the Examiner’s reasoning fails to provide any basis as to why it would have been obvious to store the frame sequence number of the *failing RLP frame* in the frame sequence field of the *next RLP frame*.

Accordingly, for at least the reasons stated above, it is respectfully submitted that the Examiner is incorrect in rejecting Claim 1 and it is respectfully requested that rejection of Claim 1 be withdrawn.

Independent Claims 2 and 4, which as indicated above, have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Rezaiifar*, also recite a retransmission request frame containing the frame sequence number of said failing RLP frame and an identifier different from said frame sequence number, whereby the retransmitted RLP frame includes said identifier in the frame sequence field. Accordingly, for the same reasons as described above with respect to the rejection of Claim 1, it is respectfully submitted that the Examiner is incorrect in rejecting Claims 2 and 4, and it is respectfully requested that rejection of Claims 2 and 4 be withdrawn.

Independent Claim 6, which as indicated above has been rejected under 35 U.S.C. § 102(e) as being anticipated by *Rezaiifar*, also recites a retransmission request frame containing both the frame sequence number of the failing RLP frame and an identifier different from the frame sequence number. Accordingly, for the same reasons as described above with respect to the rejection of Claim 1, it is respectfully submitted that the Examiner is incorrect in rejecting Claim 6, and it is respectfully requested that rejection of Claim 6 be withdrawn.

Independent Claim 8, which as indicated above, has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rezaiifar* in view of *Abrol*, also recites a retransmitted RLP frame includes the different identifier in the frame sequence field. Further, *Abrol* does not cure the deficiencies of *Rezaiifar*. Accordingly, for the same reasons as described above with respect to the rejection of Claim 1, it is respectfully submitted that the Examiner is incorrect in rejecting Claim 8, and it is respectfully requested that rejection of Claim 8 be withdrawn.

With regard to independent Claim 13, which the Examiner has rejected under 35 U.S.C. § 102(e) as being anticipated by *Rezaiifar*, and under 35 U.S.C. § 112, second paragraph, as being indefinite, as indicated above, Claim 13 has been cancelled without prejudice. Therefore, the rejections of Claim 13 are moot.

Accordingly, it is respectfully submitted that independent Claims 1, 2, 4, 6, and 8 are in condition for allowance. With independent Claims 1, 2, 4, 6, and 8 in condition for allowance, then, at least because of their dependence on Claims 1, 2, 4, 6, and 8, respectively, it is respectfully

submitted that dependent Claims 3, 7, and 9-12 are also in condition for allowance. As indicated above, it is gratefully acknowledged that Claim 5 has been allowed.

In view of the preceding remarks, it is respectfully submitted that all pending claims, namely Claims 1-12, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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